IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 24146 of 2005(Y)

CMA.37/2004 of PRINCIPAL SUB COURT,ATTINGAL
OS.160/2004 of MUNSIFF COURT,ATTINGAL
(IA.996/2004)
.....

PETITIONER:

VILASON, S/O. SIVADASAN,
THULASI BHAVAN, AVANAVANCHERRY,
CHITTATHUKARA DESOM, AVANAVANCHERRY VILLAGE,
REP. BY POWER OF ATTORNEY HOLDER BABY KAMALAM,
SIMI NIVAS, CHITTATTINKARA DESOM,
KIZHUVILAM POST, CHIRAYANKEEZH TALUK.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

ANANDAN, KAVUVILA VEEDU,
VAZHAPPALLY, ATTINGAL VILLAGE,
ATTINGAL.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 24146 of 2005

Dated this the 21st day of June 2007

JUDGMENT

An application for temporary injunction filed by the plaintiff petitioner was dismissed by the learned Munsiff under Ext.P2. Ext.P2 order was confirmed by the Sub Judge, in Appeal by Ext.P4. It is impugning Exts.P2 and P4, that this writ petition under Article 227 has been filed.

2. Having considered Exts.P2 and P4, I am not prepared to say that those orders are vitiated to such as extent as to warrant corrections under the supervisory jurisdiction of this court. However, on admitting this writ petition this court directed the parties to maintain status quo. Even though the respondent has been served with notice, no endeavor has been made by the respondent to get the above order vacated. Under these circumstances, I am of the view that this writ petition can be disposed of issuing the following directions:

The learned Munsiff, Attingal will try and dispose of O.sS.160/2004 at his earliest without being unduly influenced by the observations and findings in Ext.P2 and the circumstance that Ext.P2 has been confirmed by the court of appeal. The suit will be decided on the basis of the evidence which comes on record at trial. At any rate the learned Munsiff will special list the suit for trial in the earliest available special list and take a decision. Till such time the decision is taken in the suit, the status quo obtaining as on 16.8.2005 will be maintained by both the parties.

PIUS C. KURIAKOSE,
JUDGE.

dpk